

## **IC 35-31.5-2**

### **Chapter 2. Definitions**

## **IC 35-31.5-2-1**

### **"Abandon"**

Sec. 1. "Abandon", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-0.5(1).

*As added by P.L.114-2012, SEC.67.*

## **IC 35-31.5-2-2**

### **"Access"**

Sec. 2. "Access", for purposes of IC 35-43-2-3, has the meaning set forth in IC 35-43-2-3(a).

*As added by P.L.114-2012, SEC.67.*

## **IC 35-31.5-2-3**

### **"Accused"**

Sec. 3. "Accused", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-2.

*As added by P.L.114-2012, SEC.67.*

## **IC 35-31.5-2-4**

### **"Administer"**

Sec. 4. "Administer", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-3.

*As added by P.L.114-2012, SEC.67.*

## **IC 35-31.5-2-5**

### **"Adoption services"**

Sec. 5. "Adoption services", for purposes of IC 35-46-1-22, has the meaning set forth in IC 35-46-1-22(a).

*As added by P.L.114-2012, SEC.67.*

## **IC 35-31.5-2-6**

### **"Adoptive grandparent"**

Sec. 6. "Adoptive grandparent", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(b).

*As added by P.L.114-2012, SEC.67.*

## **IC 35-31.5-2-7**

### **"Adoptive parent"**

Sec. 7. "Adoptive parent", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(a).

*As added by P.L.114-2012, SEC.67.*

## **IC 35-31.5-2-8**

### **"Adult"**

Sec. 8. "Adult", for purposes of IC 35-47-10, has the meaning set forth in IC 35-47-10-2.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-9****"Adult employee"**

Sec. 9. "Adult employee" means an employee who is at least eighteen (18) years of age.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-10****"Advisory sentence"**

Sec. 10. "Advisory sentence", for purposes of IC 35-50-2-3 through IC 35-50-2-7, has the meaning set forth in IC 35-50-2-1.3.

*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013, SEC.86.*

**IC 35-31.5-2-11****"Agency"**

Sec. 11. (a) "Agency" means any authority, board, bureau, commission, committee, department, division, hospital, military body, or other instrumentality of:

(1) the state, a county, a township, a city, a town, a separate municipal corporation, a special taxing district, or a public corporation; or

(2) a state assisted college or state assisted university.

(b) The term does not include any part of the legislative department or the judicial department of state government.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-12****"Agent"**

Sec. 12. (a) Except as provided in subsection (b), "agent" means an operator, a manager, an adult employee, or a security agent employed by a store.

(b) "Agent", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-5.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-13****Repealed**

*(Repealed by P.L.158-2013, SEC.351.)*

**IC 35-31.5-2-14****"Alcohol abuser"**

Sec. 14. "Alcohol abuser", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-2.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-15****"Alien"**

Sec. 15. "Alien", for purposes of IC 35-44.1-5, has the meaning set forth in IC 35-44.1-5-2.

*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013,*

SEC.87.

**IC 35-31.5-2-16**

**"Ammunition"**

Sec. 16. "Ammunition", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-2.5.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-16.5**

**"Analog"**

Sec. 16.5. "Analog", for purposes of section 321 of this chapter, means a new or novel chemical entity, independent of synthetic route or natural origin, having substantially the same:

(1) carbon backbone structure; and

(2) pharmacological mechanism of action;

as a compound specifically defined as a synthetic drug in section 321 of this chapter.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-17**

**"Animal"**

Sec. 17. "Animal", for purposes of IC 35-46-3-15, has the meaning set forth in IC 35-46-3-15(b).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-18**

**"Animal fighting contest"**

Sec. 18. "Animal fighting contest", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-4.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-19**

**"Animal fighting paraphernalia"**

Sec. 19. "Animal fighting paraphernalia", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-4.3.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-20**

**"Apartment complex"**

Sec. 20. "Apartment complex" means real property consisting of at least five (5) units that are regularly used to rent or otherwise furnish residential accommodations for periods of at least thirty (30) days.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-21**

**"Armor-piercing handgun ammunition"**

Sec. 21. "Armor-piercing handgun ammunition", for purposes of IC 35-47-5-11, has the meaning set forth in IC 35-47-5-11(a).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-22****"Attorney"**

Sec. 22. "Attorney", for purposes of IC 35-45-14 has the meaning set forth in IC 35-45-14-1.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-23****"Audiovisual recording device"**

Sec. 23. "Audiovisual recording device", for purposes of IC 35-46-8, has the meaning set forth in IC 35-46-8-2.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-24****"Authorized operator"**

Sec. 24. "Authorized operator", for purposes of IC 35-43-4-2.7, has the meaning set forth in IC 35-43-4-2.7(b).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-24.5****"Authorized person"**

Sec. 24.5. "Authorized person", for purposes of IC 35-43-2-2, has the meaning set forth in IC 35-43-2-2(a).

*As added by P.L.21-2014, SEC.1.*

**IC 35-31.5-2-25****"Bail bond"**

Sec. 25. "Bail bond," for purposes of IC 35-33-8, has the meaning set forth in IC 35-33-8-1.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-26****"Beat"**

Sec. 26. "Beat", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-0.5(2).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-26.5****"Benefit"**

Sec. 26.5. "Benefit", for purposes of IC 35-43-4-6, has the meaning set forth in IC 35-43-4-6(a).

*As added by P.L.13-2013, SEC.88.*

**IC 35-31.5-2-27****"Benefit identification card"**

Sec. 27. "Benefit identification card", for purposes of IC 35-43-4-6, has the meaning set forth in IC 35-43-4-6(a).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-27.4****"Benefit, promote, or further the interests of a criminal gang"**

Sec. 27.4. "Benefit, promote, or further the interests of a criminal gang", for purposes of IC 35-45-9-3, has the meaning set forth in IC 35-45-9-3(a).

*As added by P.L.158-2013, SEC.352.*

#### **IC 35-31.5-2-27.5**

##### **"Benefit provider"**

Sec. 27.5. "Benefit provider", for purposes of IC 35-43-4-6, has the meaning set forth in IC 35-43-4-6(a).

*As added by P.L.13-2013, SEC.89.*

#### **IC 35-31.5-2-28**

##### **"Body armor"**

Sec. 28. "Body armor", for purposes of IC 35-47-5-13, has the meaning set forth in IC 35-47-5-13(a).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-28.5**

##### **"Body fluid"**

Sec. 28.5. "Body fluid", for purposes of IC 35-45-16-2, has the meaning set forth in IC 35-45-16-2(a).

*As added by P.L.158-2013, SEC.353.*

#### **IC 35-31.5-2-29**

##### **"Bodily injury"**

Sec. 29. "Bodily injury" means any impairment of physical condition, including physical pain.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-30**

##### **"Body piercing"**

Sec. 30. "Body piercing", for purposes of IC 35-45-21-4, has the meaning set forth in IC 35-45-21-4(b).

*As added by P.L.114-2012, SEC.67. Amended by P.L.158-2013, SEC.354.*

#### **IC 35-31.5-2-31**

##### **"Bomb"**

Sec. 31. (a) "Bomb" means an explosive or incendiary device designed to release:

- (1) destructive materials or force; or
- (2) dangerous gases;

that is detonated by impact, proximity to an object, a timing mechanism, a chemical reaction, ignition, or other predetermined means.

(b) The term does not include the following:

- (1) A firearm (as defined in section 133 (a) of this chapter or the ammunition or components for handloading ammunition for a firearm.
- (2) Fireworks regulated under IC 22-11-14.

- (3) Boating, railroad, and other safety flares.
- (4) Propellants used in model rockets or similar hobby activities.
- (5) Commercially manufactured black powder in quantities not to exceed fifty (50) pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or antique devices.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-32**

##### **"Booby trap"**

Sec. 32. "Booby trap", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-2.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-32.5**

##### **"Burn"**

Sec. 32.5. "Burn", for purposes of IC 35-47-7-3, has the meaning set forth in IC 35-47-7-3(a).

*As added by P.L.13-2013, SEC.90.*

#### **IC 35-31.5-2-33**

##### **"Camera"**

Sec. 33. "Camera", for purposes of IC 35-45-4-5, has the meaning set forth in IC 35-45-4-5(a)(1).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-34**

##### **"Card skimming device"**

Sec. 34. "Card skimming device", for purposes of IC 35-43-5-4.3, has the meaning set forth in IC 35-43-5-4.3(a).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-35**

##### **"Cave"**

Sec. 35. "Cave", for purposes of IC 35-43-1-3, has the meaning set forth in IC 35-43-1-3(a).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-36**

##### **"Certified copy of a certificate of title"**

Sec. 36. "Certified copy of a certificate of title", for purposes of IC 35-37-4-9, has the meaning set forth in IC 35-37-4-9(a).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-37**

##### **"Charter school"**

Sec. 37. "Charter school", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(c).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-37.5****"Chemical test"**

Sec. 37.5. "Chemical test", for purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-1.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-38****"Child"**

Sec. 38. "Child", for purposes of IC 35-47-10 and IC 35-44.1-5-5, has the meaning set forth in IC 35-47-10-3.

*As added by P.L.114-2012, SEC.67. Amended by P.L.126-2012, SEC.45.*

**IC 35-31.5-2-39****"Child care provider"**

Sec. 39. "Child care provider", for purposes of IC 35-46-1-4.1, has the meaning set forth in IC 35-46-1-4.1(a).

*As added by P.L.114-2012, SEC.67. Amended by P.L.158-2013, SEC.355.*

**IC 35-31.5-2-40****"Child care worker"**

Sec. 40. "Child care worker", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(d).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-41****"Chinese throwing star"**

Sec. 41. "Chinese throwing star", for purposes of IC 35-47-5-12, has the meaning set forth in IC 35-47-5-12(b).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-42****"Claim statement"**

Sec. 42. "Claim statement", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(b).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-43****Repealed**

*(Repealed by P.L.158-2013, SEC.356.)*

**IC 35-31.5-2-44****"Cloning"**

Sec. 44. "Cloning", for purposes of IC 35-46-5-2, has the meaning set forth in IC 35-46-5-2(b).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-44.8****"Cocaine"**

Sec. 44.8. "Cocaine", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-7.

*As added by P.L.13-2013, SEC.91.*

**IC 35-31.5-2-45**

**"Code grabbing device"**

Sec. 45. "Code grabbing device", for purposes of IC 35-45-12, has the meaning set forth in IC 35-45-12-1.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-46**

**"Coin machine"**

Sec. 46. "Coin machine", for purposes of IC 35-43-5 and IC 35-46-1-11.5, has the meaning set forth in IC 35-43-5-1(c).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-47**

**"Combative fighting"**

Sec. 47. "Combative fighting", for purposes of IC 35-45-18, has the meaning set forth in IC 35-45-18-1(a).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-47.5**

**"Communicates"**

Sec. 47.5. "Communicates", for purposes of IC 35-45-2-1, has the meaning set forth in IC 35-45-2-1(c).

*As added by P.L.123-2013, SEC.1.*

**IC 35-31.5-2-48**

**"Community corrections program"**

Sec. 48. "Community corrections program", for purposes of IC 35-38-2.6, has the meaning set forth in IC 35-38-2.6-2.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-49**

**"Community policing volunteer"**

Sec. 49. "Community policing volunteer" means a person who is:

- (1) not a law enforcement officer; and
- (2) actively participating in a plan, system, or strategy:
  - (A) established by and conducted under the authority of a law enforcement agency; and
  - (B) in which citizens:
    - (i) participate with and are guided by the law enforcement agency; and
    - (ii) work with members of the law enforcement agency to reduce or prevent crime within a defined geographic area.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-50**

**"Community restitution or service"**

Sec. 50. "Community restitution or service" means performance of services directly for a:

- (1) victim;
- (2) nonprofit entity; or
- (3) governmental entity;

without compensation, including graffiti abatement, park maintenance, and other community service activities. The term does not include the reimbursement under IC 35-50-5-3 or another law of damages or expenses incurred by a victim or another person as the result of a violation of law.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-51**

##### **"Community transition program"**

Sec. 51. "Community transition program" has the meaning set forth in IC 11-8-1-5.5.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-52**

##### **"Component"**

Sec. 52. "Component", for purposes of IC 35-45-21-1, has the meaning set forth in IC 35-45-21-1(a).

*As added by P.L.114-2012, SEC.67. Amended by P.L.158-2013, SEC.357.*

#### **IC 35-31.5-2-52.7**

##### **"Computer contaminant"**

Sec. 52.7. (a) "Computer contaminant", for purposes of IC 35-43-1-8, means a set of computer instructions designed to modify, damage, destroy, record, or transmit information within a computer, computer system, or computer network without the intent or permission of the owner of the information.

(b) The term includes a computer program (commonly referred to as a virus or worm) that is:

- (1) self-replicating or self-propagating; and
- (2) designed to:
  - (A) contaminate other computer programs or computer data;
  - (B) consume computer resources;
  - (C) modify, destroy, record, or transmit data; or
  - (D) otherwise take control of the normal operation of a computer, computer system, or computer network.

*As added by P.L.158-2013, SEC.358.*

#### **IC 35-31.5-2-53**

##### **"Computer network"**

Sec. 53. (a) Except as provided in subsection (b), "computer network" means a system that provides communications between one (1) or more computer systems and the system's input or output devices, including display terminals and printers that are connected by telecommunication facilities.

(b) "Computer network", for purposes of IC 35-43-2-3, has the meaning set forth in IC 35-43-2-3(a).

*As added by P.L.114-2012, SEC.67. Amended by P.L.158-2013, SEC.359.*

#### **IC 35-31.5-2-54**

##### **"Computer program"**

Sec. 54. "Computer program", for purposes of this chapter and IC 35-43-1-7, means a set of instructions or statements and related data that, when executed in actual or modified form, causes a computer, computer system, or computer network to perform specified functions.

*As added by P.L.114-2012, SEC.67. Amended by P.L.158-2013, SEC.360.*

#### **IC 35-31.5-2-55**

##### **"Computer system"**

Sec. 55. (a) Except as provided in subsection (b), "computer system" means a device or collection of devices (including support devices):

- (1) one (1) or more of which contain a computer program, an electronic instruction, or input data and output data; and
- (2) that performs functions, including arithmetic, data storage, retrieval, communication, or control functions.

The term does not include a calculator that is not programmable and that is not capable of being used in conjunction with external files.

(b) "Computer system", for purposes of IC 35-43-2-3, has the meaning set forth in IC 35-43-2-3(a).

*As added by P.L.114-2012, SEC.67. Amended by P.L.158-2013, SEC.361.*

#### **IC 35-31.5-2-55.2**

##### **"Computer system services"**

Sec. 55.2. "Computer system services" includes computer time, data processing or storage functions, or other uses of a computer, computer system, or computer network.

*As added by P.L.158-2013, SEC.362.*

#### **IC 35-31.5-2-56**

##### **"Confidential communication"**

Sec. 56. "Confidential communication", for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-1(a).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-56.3**

##### **"Confidential information"**

Sec. 56.3. "Confidential information", for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-1.5(a).

*As added by P.L.13-2013, SEC.92.*

**IC 35-31.5-2-57****"Confine"**

Sec. 57. "Confine", for purposes of IC 35-42-3, has the meaning set forth in IC 35-42-3-1.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-57.8****"Consent of the original manufacturer"**

Sec. 57.8. "Consent of the original manufacturer", for purposes of IC 35-43-7, has the meaning set forth in IC 35-43-7-1.

*As added by P.L.13-2013, SEC.93.*

**IC 35-31.5-2-58****"Constant supervision"**

Sec. 58. "Constant supervision", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-2.3.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-59****"Consumer"**

Sec. 59. "Consumer", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-2.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-60****"Consumer product"**

Sec. 60. (a) "Consumer product", for purposes of IC 35-44.1-2-3, has the meaning set forth in IC 35-44.1-2-3(a).

(b) "Consumer product", for purposes of IC 35-45-8, has the meaning set forth in IC 35-45-8-1.

*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013, SEC.94.*

**IC 35-31.5-2-61****"Constant video monitoring"**

Sec. 61. "Constant video monitoring", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(1).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-62****"Contraband"**

Sec. 62. "Contraband", for purposes of IC 35-44.1-3-6, has the meaning set forth in IC 35-44.1-3-6(a).

*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013, SEC.95.*

**IC 35-31.5-2-63****"Contract agency"**

Sec. 63. "Contract agency", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-2.5.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-64**

**"Controlled substance"**

Sec. 64. "Controlled substance", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-9.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-65**

**"Controlled substance analog"**

Sec. 65. "Controlled substance analog", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-9.3.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-66**

**"Convenience package"**

Sec. 66. "Convenience package", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(2).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-67**

**"Correctional professional"**

Sec. 67. "Correctional professional", for purposes of IC 35-42-2-1, has the meaning set forth in IC 35-42-2-1(b)(2).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-67.2**

**Repealed**

*(Repealed by P.L.168-2014, SEC.48.)*

**IC 35-31.5-2-68**

**"Counterfeit substance"**

Sec. 68. "Counterfeit substance", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-10.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-69**

**"Credit card"**

Sec. 69. "Credit card", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(d).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-70**

**"Credit card holder"**

Sec. 70. "Credit card holder", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(e).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-71**

**"Credit institution"**

Sec. 71. "Credit institution" means a bank, insurance company, credit union, savings association, investment trust, industrial loan and investment company, or other organization held out to the public as a place of deposit of funds or a medium of savings or collective investment.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-72**

##### **"Credit restricted felon"**

Sec. 72. "Credit restricted felon" means a person who has been convicted of at least one (1) of the following offenses:

(1) Child molesting involving sexual intercourse, deviate sexual conduct (IC 35-42-4-3(a), before its amendment on July 1, 2014) for a crime committed before July 1, 2014, or other sexual conduct (as defined in IC 35-31.5-2-221.5) for a crime committed after June 30, 2014, if:

(A) the offense is committed by a person at least twenty-one (21) years of age; and

(B) the victim is less than twelve (12) years of age.

(2) Child molesting (IC 35-42-4-3) resulting in serious bodily injury or death.

(3) Murder (IC 35-42-1-1), if:

(A) the person killed the victim while committing or attempting to commit child molesting (IC 35-42-4-3);

(B) the victim was the victim of a sex crime under IC 35-42-4 for which the person was convicted; or

(C) the victim of the murder was listed by the state or known by the person to be a witness against the person in a prosecution for a sex crime under IC 35-42-4 and the person committed the murder with the intent to prevent the victim from testifying.

*As added by P.L.114-2012, SEC.67. Amended by P.L.158-2013, SEC.363.*

#### **IC 35-31.5-2-73**

##### **"Criminal activity"**

Sec. 73. "Criminal activity", for purposes of IC 35-45-15, has the meaning set forth in IC 35-45-15-1.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-74**

##### **"Criminal gang"**

Sec. 74. (a) "Criminal gang", for purposes of IC 35-45-9, has the meaning set forth in IC 35-45-9-1.

(b) "Criminal gang", for purposes of IC 35-50-2-15, has the meaning set forth in IC 35-50-2-1.4.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-75**

##### **"Crime"**

Sec. 75. (a) Except as provided in subsection (b), "crime" means a felony or a misdemeanor.

(b) "Crime", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-3.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-76**

##### **"Crimes involving domestic or family violence"**

Sec. 76. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

- (1) A homicide offense under IC 35-42-1.
- (2) A battery offense under IC 35-42-2.
- (3) Kidnapping or confinement under IC 35-42-3.
- (4) Human and sexual trafficking crimes under IC 35-42-3.5.
- (5) A sex offense under IC 35-42-4.
- (6) Robbery under IC 35-42-5.
- (7) Arson or mischief under IC 35-43-1.
- (8) Burglary or trespass under IC 35-43-2.
- (9) Disorderly conduct under IC 35-45-1.
- (10) Intimidation or harassment under IC 35-45-2.
- (11) Voyeurism under IC 35-45-4.
- (12) Stalking under IC 35-45-10.
- (13) An offense against family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.
- (14) A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-77**

##### **"Crime of deception"**

Sec. 77. "Crime of deception", for purposes of IC 35-38-1, has the meaning set forth in IC 35-38-1-2.5(a).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-78**

##### **"Crime of domestic violence"**

Sec. 78. "Crime of domestic violence", for purposes of IC 5-2-6.1, IC 35-38-9, and IC 35-47-4-7, means an offense or the attempt to commit an offense that:

- (1) has as an element the:
  - (A) use of physical force; or
  - (B) threatened use of a deadly weapon; and
- (2) is committed against a:
  - (A) current or former spouse, parent, or guardian of the defendant;
  - (B) person with whom the defendant shared a child in common;

(C) person who was cohabiting with or had cohabited with the defendant as a spouse, parent, or guardian; or

(D) person who was or had been similarly situated to a spouse, parent, or guardian of the defendant.

*As added by P.L.114-2012, SEC.67. Amended by P.L.181-2014, SEC.2.*

#### **IC 35-31.5-2-79**

##### **"Crime of violence"**

Sec. 79. "Crime of violence", for purposes of IC 35-50-1-2, has the meaning set forth in IC 35-50-1-2(a).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-80**

##### **"Custodian"**

Sec. 80. "Custodian", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(e).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-81**

##### **"Customer"**

Sec. 81. "Customer", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(f).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-82**

##### **"Dangerous device"**

Sec. 82. "Dangerous device", for purposes of IC 35-47-6-1.1, has the meaning set forth in IC 35-47-6-1.1(a).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-83**

##### **"Dangerous gas"**

Sec. 83. "Dangerous gas", for purposes of section 31 of this chapter, means a toxic chemical or its precursors that through chemical action or properties on life processes cause death or permanent injury to human beings. The term does not include the following:

(1) Riot control agents, smoke, and obscuration materials or medical products that are manufactured, possessed, transported, or used in accordance with the laws of the United States and of this state.

(2) Tear gas devices designed to be carried on or about the person that contain not more than one-half (1/2) ounce of the chemical.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-84**

##### **"Data"**

Sec. 84. "Data", for purposes of this chapter and IC 35-43-1-7,

means a representation of information, knowledge, facts, concepts, computer software, computer programs, or instructions that may be:

- (1) in any form;
- (2) in storage media or stored in the memory of a computer; or
- (3) in transit or presented on a display device.

*As added by P.L.114-2012, SEC.67. Amended by P.L.158-2013, SEC.364.*

#### **IC 35-31.5-2-85**

##### **"Deadly force"**

Sec. 85. "Deadly force" means force that creates a substantial risk of serious bodily injury.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-86**

##### **"Deadly weapon"**

Sec. 86. (a) Except as provided in subsection (b), "deadly weapon" means the following:

- (1) A loaded or unloaded firearm.
- (2) A destructive device, weapon, device, taser (as defined in IC 35-47-8-3) or electronic stun weapon (as defined in IC 35-47-8-1), equipment, chemical substance, or other material that in the manner it:
  - (A) is used;
  - (B) could ordinarily be used; or
  - (C) is intended to be used;

is readily capable of causing serious bodily injury.

- (3) An animal (as defined in IC 35-46-3-3) that is:
  - (A) readily capable of causing serious bodily injury; and
  - (B) used in the commission or attempted commission of a crime.
- (4) A biological disease, virus, or organism that is capable of causing serious bodily injury.

(b) The term does not include:

- (1) a taser (as defined in IC 35-47-8-3);
- (2) an electronic stun weapon (as defined in IC 35-47-8-1);
- (3) a chemical designed to temporarily incapacitate a person; or
- (4) another device designed to temporarily incapacitate a person;

if the device described in subdivisions (1) through (4) is used by a law enforcement officer who has been trained in the use of the device and who uses the device in accordance with the law enforcement officer's training and while lawfully engaged in the execution of official duties.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-87**

##### **"Dealer"**

Sec. 87. (a) "Dealer", for purposes of IC 35-43-4-2.3, has the meaning set forth in IC 35-43-4-2.3(a).

(b) "Dealer", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-3.

(c) "Dealer", for purposes of IC 35-47-2.5, includes any person licensed under 18 U.S.C. 923, as set forth in IC 35-47-2.5-2.

*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013, SEC.97.*

#### **IC 35-31.5-2-87.5**

##### **"Defense counsel"**

Sec. 87.5. "Defense counsel", for purposes of IC 35-40-5-11, has the meaning set forth in IC 35-40-5-11(b).

*As added by P.L.13-2013, SEC.98.*

#### **IC 35-31.5-2-88**

##### **"Delinquent act"**

Sec. 88. "Delinquent act", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-4.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-89**

##### **"Delivery"**

Sec. 89. "Delivery", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-11.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-90**

##### **"Dependent"**

Sec. 90. (a) "Dependent", for purposes of IC 35-44.1-1-4, has the meaning set forth in IC 35-44.1-1-4(a)(1).

(b) "Dependent", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.

*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013, SEC.99.*

#### **IC 35-31.5-2-91**

##### **"Designated offense"**

Sec. 91. "Designated offense", for purposes of IC 35-33.5, means the following:

- (1) A Class A, Class B, or Class C felony, for a crime committed before July 1, 2014, or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony, for a crime committed after June 30, 2014, that is a controlled substance offense (IC 35-48-4).
- (2) Murder (IC 35-42-1-1).
- (3) Kidnapping (IC 35-42-3-2).
- (4) Criminal confinement (IC 35-42-3-3).
- (5) Robbery (IC 35-42-5-1).
- (6) Arson (IC 35-43-1-1).
- (7) Child solicitation (IC 35-42-4-6).
- (8) Human and sexual trafficking crimes under IC 35-42-3.5.
- (9) Escape as a Class B felony or Class C felony, for a crime

committed before July 1, 2014, or a Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014 (IC 35-44.1-3-4).

(10) An offense that relates to a weapon of mass destruction (as defined in section 354 of this chapter).

(11) An attempt or conspiracy to commit an offense described in subdivisions (1) through (10).

(12) An offense under the law of the United States or in another state or country that is substantially similar to an offense described in subdivisions (1) through (11).

*As added by P.L.114-2012, SEC.67. Amended by P.L.126-2012, SEC.46; P.L.158-2013, SEC.365.*

#### **IC 35-31.5-2-92**

##### **"Destructive device"**

Sec. 92. "Destructive device" has the meaning set forth in IC 35-47.5-2-4.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-93**

##### **"Detonator"**

Sec. 93. "Detonator", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-5.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-94**

##### **Repealed**

*(Repealed by P.L.158-2013, SEC.366.)*

#### **IC 35-31.5-2-95**

##### **"Dispatched firefighter"**

Sec. 95. "Dispatched firefighter", for purposes of IC 35-44.1-4, has the meaning set forth in IC 35-44.1-4-1.

*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013, SEC.100.*

#### **IC 35-31.5-2-96**

##### **"Dispense"**

Sec. 96. (a) Except as provided in subsection (b), "dispense", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-12.

(b) "Dispense", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-2.9(a).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-97**

##### **"Dispenser"**

Sec. 97. "Dispenser", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-13.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-98****"Disseminate"**

Sec. 98. "Disseminate", for purposes of IC 35-42-4-4, has the meaning set forth in IC 35-42-4-4(a).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-99****"Dissolvable tobacco product"**

Sec. 99. "Dissolvable tobacco product", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.3.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-100****"Distribute"**

Sec. 100. (a) "Distribute", for purposes of IC 35-46-1-10, has the meaning set forth in IC 35-46-1-10(e).

(b) "Distribute", for purposes of IC 35-46-1-10.2, has the meaning set forth in IC 35-46-1-10.2(e).

(c) "Distribute", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-6.

(d) "Distribute", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-14.

(e) "Distribute", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-2.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-101****"Distributor"**

Sec. 101. "Distributor", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-15.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-102****"Documentary material"**

Sec. 102. "Documentary material", for purposes of IC 35-45-6, has the meaning set forth in IC 35-45-6-1(b).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-103****"Domestic animal"**

Sec. 103. "Domestic animal", for purposes of IC 35-46-3-12(d) has the meaning set forth in IC 35-46-3-12(d).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-104****"Drug"**

Sec. 104. "Drug", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-16.

*As added by P.L.114-2012, SEC.67. Amended by P.L.158-2013, SEC.367.*

**IC 35-31.5-2-105****"Drug abuser"**

Sec. 105. "Drug abuser", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-4.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-106****"Drug or alcohol screening test"**

Sec. 106. "Drug or alcohol screening test", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(g).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-107****"Dwelling"**

Sec. 107. "Dwelling" means a building, structure, or other enclosed space, permanent or temporary, movable or fixed, that is a person's home or place of lodging.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-108****"Earliest possible release date"**

Sec. 108. "Earliest possible release date", for purposes of IC 35-38-3, has the meaning set forth in IC 35-38-3-1.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-109****"Effects of battery"**

Sec. 109. "Effects of battery" refers to a psychological condition of an individual who has suffered repeated physical or sexual abuse inflicted by another individual who is the:

- (1) victim of an alleged crime for which the abused individual is charged in a pending prosecution; and
- (2) abused individual's:
  - (A) spouse or former spouse;
  - (B) parent;
  - (C) guardian or former guardian;
  - (D) custodian or former custodian; or
  - (E) cohabitant or former cohabitant.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-110****"Electronic communications"**

Sec. 110. "Electronic communication", for purposes of IC 35-33.5, means any transfer of signs, signals, writing, images, sounds, data, oral communication, digital information, or intelligence of any nature transmitted in whole or in part by a wire, a radio, or an electromagnetic, a photoelectronic, or a photo-optical system.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-110.5**

**"Electronic communication services"**

Sec. 110.5. "Electronic communication service", for purposes of IC 35-33-5, means a service that provides users with the ability to send or receive wire or electronic communications.

*As added by P.L.170-2014, SEC.2.*

**IC 35-31.5-2-111**

**"Electronic gaming device"**

Sec. 111. "Electronic gaming device", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(b).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-111.5**

**"Electronic storage"**

Sec. 111.5. "Electronic storage", for purposes of IC 35-33-5, has the meaning set forth in IC 35-33-5-0.5(2).

*As added by P.L.170-2014, SEC.3.*

**IC 35-31.5-2-112**

**"Electronic stun weapon"**

Sec. 112. "Electronic stun weapon", for purposes of IC 35-47-8, has the meaning set forth in IC 35-47-8-1.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-112.5**

**"Electronic user data"**

Sec. 112.5. "Electronic user data", for purposes of IC 35-33-5, has the meaning set forth in IC 35-33-5-0.5(3).

*As added by P.L.170-2014, SEC.4.*

**IC 35-31.5-2-113**

**"Emergency call"**

Sec. 113. "Emergency call", for purposes of IC 35-45-2-3, has the meaning set forth in IC 35-45-2-3(c).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-114**

**"Emergency incident area"**

Sec. 114. "Emergency incident area", for purposes of IC 35-44.1-4, has the meaning set forth in IC 35-44.1-4-2.

*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013, SEC.101.*

**IC 35-31.5-2-115**

**"Emergency medical person"**

Sec. 115. "Emergency medical person", for purposes of IC 35-44.1-4-9, has the meaning set forth in IC 35-44.1-4-9(a).

*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013, SEC.102.*

**IC 35-31.5-2-115.2**

**Repealed**

*(Repealed by P.L.168-2014, SEC.49.)*

**IC 35-31.5-2-116**

**"Endangered adult"**

Sec. 116. "Endangered adult", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-117**

**Repealed**

*(Repealed by P.L.158-2013, SEC.368.)*

**IC 35-31.5-2-117.5**

**"Enhancing circumstance"**

Sec. 117.5. "Enhancing circumstance", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-16.5.

*As added by P.L.158-2013, SEC.369.*

**IC 35-31.5-2-118**

**"Enterprise"**

Sec. 118. "Enterprise", for purposes of IC 35-45-6, has the meaning set forth in IC 35-45-6-1(c).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-119**

**"Entrusted"**

Sec. 119. "Entrusted", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(h).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-120**

**"Ephedrine"**

Sec. 120. "Ephedrine", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7(b)(3).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-121**

**"Episode of criminal conduct"**

Sec. 121. "Episode of criminal conduct", for purposes of IC 35-50-1-2, has the meaning set forth in IC 35-50-1-2(b).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-122**

**"Evidence of previous battery"**

Sec. 122. "Evidence of a previous battery", for purposes of IC 35-37-4-14, has the meaning set forth in IC 35-37-4-14(b).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-123****"Exception report"**

Sec. 123. "Exception report", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-4.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-123.5****"Executive authority"**

Sec. 123.5. "Executive authority", for purposes of IC 35-33-10-3, has the meaning set forth in IC 35-33-10-3(1).

*As added by P.L.13-2013, SEC.104.*

**IC 35-31.5-2-124****"Exert control over property"**

Sec. 124. "Exert control over property", for purposes of IC 35-43-4, has the meaning set forth in IC 35-43-4-1(a).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-125****"Explosives"**

Sec. 125. "Explosives", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-7.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-126****"Extension"**

Sec. 126. "Extension", for purposes of IC 35-33.5, means an extension of the duration for which a warrant remains effective under IC 35-33.5.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-127****"Family housing complex"**

Sec. 127. "Family housing complex" means a building or series of buildings:

- (1) that contains at least twelve (12) dwelling units:
  - (A) where children are domiciled or are likely to be domiciled; and
  - (B) that are owned by a governmental unit or political subdivision;
- (2) that is operated as a hotel or motel (as described in IC 22-11-18-1);
- (3) that is operated as an apartment complex; or
- (4) that contains subsidized housing.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-128****"Family or household member"**

Sec. 128. (a) An individual is a "family or household member" of another person if the individual:

- (1) is a current or former spouse of the other person;
- (2) is dating or has dated the other person;
- (3) is or was engaged in a sexual relationship with the other person;
- (4) is related by blood or adoption to the other person;
- (5) is or was related by marriage to the other person;
- (6) has or previously had an established legal relationship:
  - (A) as a guardian of the other person;
  - (B) as a ward of the other person;
  - (C) as a custodian of the other person;
  - (D) as a foster parent of the other person; or
  - (E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D); or
- (7) has a child in common with the other person.

(b) An individual is a "family or household member" of both persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) applies if the individual is a minor child of one (1) of the persons.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-129**

##### **"Federal enforcement officer"**

Sec. 129. "Federal enforcement officer" means any of the following:

- (1) A Federal Bureau of Investigation special agent.
- (2) A United States Marshals Service marshal or deputy.
- (3) A United States Secret Service special agent.
- (4) A United States Fish and Wildlife Service special agent.
- (5) A United States Drug Enforcement Agency agent.
- (6) A Bureau of Alcohol, Tobacco, Firearms and Explosives agent.
- (7) A United States Forest Service law enforcement officer.
- (8) A United States Department of Defense police officer or criminal investigator.
- (9) A United States Customs Service agent.
- (10) A United States Postal Service investigator.
- (11) A National Park Service law enforcement commissioned ranger.
- (12) United States Department of Agriculture, Office of Inspector General special agent.
- (13) A United States Citizenship and Immigration Services special agent.
- (14) An individual who is:
  - (A) an employee of a federal agency; and
  - (B) authorized to make arrests and carry a firearm in the performance of the individual's official duties.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-130**

##### **"Felony conviction"**

Sec. 130. "Felony conviction", for purposes of IC 35-50-2, has the meaning set forth in IC 35-50-2-1(b).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-131**

##### **"Fetal tissue"**

Sec. 131. "Fetal tissue", for purposes of IC 35-46-5-1, has the meaning set forth in IC 35-46-5-1(a).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-132**

##### **"Fetus"**

Sec. 132. "Fetus", for purposes of IC 35-42-1-4, has the meaning set forth in IC 35-42-1-4(a).

*As added by P.L.114-2012, SEC.67. Amended by P.L.158-2013, SEC.370.*

#### **IC 35-31.5-2-133**

##### **"Firearm"**

Sec. 133. (a) Except as provided in subsection (b), "firearm", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-5.

(b) "Firearm", for purposes of IC 35-47-15, has the meaning set forth in IC 35-47-15-1.

(c) "Firearm", for purposes of IC 35-50-2-11, has the meaning set forth in IC 35-50-2-11(a).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-134**

##### **"Firearm accessory"**

Sec. 134. "Firearm accessory", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-5.1.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-135**

##### **"Firefighter"**

Sec. 135. "Firefighter", for purposes of IC 35-44.1-4, has the meaning set forth in IC 35-44.1-4-3.

*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013, SEC.105; P.L.158-2013, SEC.371.*

#### **IC 35-31.5-2-135.2**

##### **"Fire protective clothing and fire protective gear"**

Sec. 135.2. "Fire protective clothing and fire protective gear", for purposes of IC 35-44.1-4, has the meaning set forth in IC 35-44.1-4-4.

*As added by P.L.13-2013, SEC.106.*

#### **IC 35-31.5-2-136**

##### **Repealed**

*(Repealed by P.L.158-2013, SEC.372.)*

**IC 35-31.5-2-137****"Food processing facility"**

Sec. 137. "Food processing facility" means a facility used to prepare or process animal, plant, or other food ingredients into food products intended for sale or distribution to the general public for human consumption.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-138****"Forcible felony"**

Sec. 138. "Forcible felony" means a felony that involves the use or threat of force against a human being, or in which there is imminent danger of bodily injury to a human being.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-139****"Forensic DNA analysis"**

Sec. 139. "Forensic DNA analysis", for purposes of IC 35-37-4-13, has the meaning set forth in IC 35-37-4-13(a).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-139.5****"Funds"**

Sec. 139.5. "Funds", for purposes of IC 35-45-15, has the meaning set forth in IC 35-45-15-2.

*As added by P.L.13-2013, SEC.107.*

**IC 35-31.5-2-140****"Gain"**

Sec. 140. "Gain", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(c).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-141****"Gambling"**

Sec. 141. "Gambling", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(d).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-142****"Gambling device"**

Sec. 142. "Gambling device", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(e).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-143****"Gambling information"**

Sec. 143. "Gambling information", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(f).

*As added by P.L.114-2012, SEC.67.*

### **IC 35-31.5-2-143.3**

#### **"Geolocation information"**

Sec. 143.3. "Geolocation information" means data generated by an electronic device that can be used to determine the location of the device or the owner of the device. The term includes a cellular telephone, a wireless fidelity (wi-fi) equipped computer, or a GPS navigation or tracking unit. The term does not include the content of a communication.

*As added by P.L.170-2014, SEC.5.*

### **IC 35-31.5-2-143.5**

#### **"Geolocation information service"**

Sec. 143.5. "Geolocation information service" means a person that offers or provides GPS service or other mapping, locational, or directional services to the public by means of an electronic device, including a cellular telephone, a wireless fidelity (wi-fi) equipped computer, or a GPS navigation or tracking unit.

*As added by P.L.170-2014, SEC.6.*

### **IC 35-31.5-2-144**

#### **"Governmental entity"**

Sec. 144. (a) "Governmental entity" means:

- (1) the United States or any state, county, township, city, town, separate municipal corporation, special taxing district, or public school corporation;
- (2) any authority, board, bureau, commission, committee, department, division, hospital, military body, or other instrumentality of any of those entities; or
- (3) a state assisted college or state assisted university.

(b) For purposes of IC 35-33-5, "governmental entity" also includes a person authorized to act on behalf of a state or local agency.

*As added by P.L.114-2012, SEC.67. Amended by P.L.170-2014, SEC.7.*

### **IC 35-31.5-2-145**

#### **"Governmental entity served by the public servant"**

Sec. 145. "Governmental entity served by the public servant", for purposes of IC 35-44.1-1-4, has the meaning set forth in IC 35-44.1-1-4(a)(2).

*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013, SEC.108.*

### **IC 35-31.5-2-145.3**

#### **"Governor"**

Sec. 145.3. "Governor", for purposes of IC 35-33-10-3, has the meaning set forth in IC 35-33-10-3(1).

*As added by P.L.13-2013, SEC.109.*

**IC 35-31.5-2-146****"Graffiti"**

Sec. 146. "Graffiti" means any unauthorized inscription, work, figure, or design that is marked, etched, scratched, drawn, or painted on a component of any building, structure, or other facility.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-147****"Gun show"**

Sec. 147. "Gun show", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-5.5.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-148****"Handgun"**

Sec. 148. "Handgun", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-6.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-149****"Harm"**

Sec. 149. "Harm" means loss, disadvantage, or injury or anything so regarded by the person affected, including loss, disadvantage, or injury to any other person in whose welfare the person is interested.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-150****"Harassment"**

Sec. 150. "Harassment", for purposes of IC 35-45-10, has the meaning set forth in IC 35-45-10-2.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-151****"Hazing"**

Sec. 151. "Hazing", for purposes of IC 35-42-2-2, has the meaning set forth in IC 35-42-2-2(a).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-152****"Health care provider"**

Sec. 152. "Health care provider", for purposes of IC 35-46-7, has the meaning set forth in IC 35-46-7-1.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-152.5****"HIV"**

Sec. 152.5. "HIV", for purposes of IC 35-45-16, has the meaning set forth in IC 35-45-16-1.

*As added by P.L.13-2013, SEC.110.*

**IC 35-31.5-2-153****"Hoarding program"**

Sec. 153. "Hoarding program", for purposes of IC 35-43-2-3, has the meaning set forth in IC 35-43-2-3(a).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-154****"Hoax device"**

Sec. 154. "Hoax device", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-8.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-155****"Home"**

Sec. 155. (a) "Home", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-2.

(b) "Home", for purposes of IC 35-38-2.6-6, has the meaning set forth in IC 35-38-2.6-6(a).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-156****"Home improvement"**

Sec. 156. "Home improvement", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-3.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-157****"Home improvement contract"**

Sec. 157. "Home improvement contract", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-4.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-158****"Home improvement contract price"**

Sec. 158. "Home improvement contract price", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-5.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-159****"Home improvement supplier"**

Sec. 159. "Home improvement supplier", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-6.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-160****"Human being"**

Sec. 160. "Human being" means an individual who has been born and is alive.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-160.5**

**Repealed**

*(Repealed by P.L.168-2014, SEC.50.)*

**IC 35-31.5-2-161**

**"Human organ"**

Sec. 161. "Human organ", for purposes of IC 35-46-5-1, has the meaning set forth in IC 35-46-5-1(b).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-162**

**"Identification number"**

Sec. 162. "Identification number", for purposes of IC 35-43-7, has the meaning set forth in IC 35-43-7-2.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-163**

**"Identity theft"**

Sec. 163. "Identity theft", for the purposes of IC 35-40-14, has the meaning set forth in IC 35-40-14-1.

*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013, SEC.112.*

**IC 35-31.5-2-164**

**"Identifying information"**

Sec. 164. "Identifying information", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(i).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-165**

**"Immediate precursor"**

Sec. 165. "Immediate precursor", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-17.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-165.8**

**"Impermissible contact"**

Sec. 165.8. "Impermissible contact", for purposes of IC 35-45-10, has the meaning set forth in IC 35-45-10-3.

*As added by P.L.13-2013, SEC.113.*

**IC 35-31.5-2-166**

**"Imprison"**

Sec. 166. "Imprison" means to:

- (1) confine in a penal facility;
- (2) commit to the department of correction; or
- (3) assign to a community transition program under IC 11-10-11.5.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-167****"Incendiary"**

Sec. 167. "Incendiary", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-9.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-168****"Included offense"**

Sec. 168. "Included offense" means an offense that:

- (1) is established by proof of the same material elements or less than all the material elements required to establish the commission of the offense charged;
- (2) consists of an attempt to commit the offense charged or an offense otherwise included therein; or
- (3) differs from the offense charged only in the respect that a less serious harm or risk of harm to the same person, property, or public interest, or a lesser kind of culpability, is required to establish its commission.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-168.8****"Indiana"**

Sec. 168.8. "Indiana", for purposes of IC 35-41-1-1, has the meaning set forth in IC 35-41-1-1(a).

*As added by P.L.13-2013, SEC.114.*

**IC 35-31.5-2-169****"Individual with mental retardation"**

Sec. 169. (a) "Individual with mental retardation", for purposes of IC 35-36-2-5(e), has the meaning set forth in IC 35-36-2-5(e).

(b) "Individual with mental retardation", for purposes of IC 35-36-9 and IC 35-50-2, has the meaning set forth in IC 35-36-9-2.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-169.5****"Infectious hepatitis"**

Sec. 169.5. "Infectious hepatitis", for purposes of IC 35-45-16-2, has the meaning set forth in IC 35-45-16-2(b).

*As added by P.L.158-2013, SEC.373.*

**IC 35-31.5-2-170****"Inmate"**

Sec. 170. "Inmate", for purposes of IC 35-43-5-20, has the meaning set forth in IC 35-43-5-20(a).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-171****"Inmate outside a facility"**

Sec. 171. "Inmate outside a facility", for purposes of

IC 35-44.1-3-6, has the meaning set forth in IC 35-44.1-3-6(b).  
*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013, SEC.115.*

#### **IC 35-31.5-2-172**

##### **"INSPECT"**

Sec. 172. "INSPECT", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-5.2.  
*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-173**

##### **"Instant messaging or chat room program"**

Sec. 173. "Instant messaging or chat room program" means a software program or application that:

- (1) requires a person to register or create an account, a username, or a password to become a member or registered user of the program; and
- (2) allows two (2) or more members or authorized users to communicate over the Internet in real time.

The term does not include an electronic mail program or message board program.

*As added by P.L.114-2012, SEC.67. Amended by P.L.247-2013, SEC.2.*

#### **IC 35-31.5-2-173.8**

##### **"Insurance policy"**

Sec. 173.8. "Insurance policy", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(j).  
*As added by P.L.13-2013, SEC.116.*

#### **IC 35-31.5-2-174**

##### **"Insurer"**

Sec. 174. "Insurer", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(k).  
*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-175**

##### **"Interactive computer service"**

Sec. 175. "Interactive computer service", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(g).  
*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-175.5**

##### **"Intercept"**

Sec. 175.5. "Intercept", for purposes of IC 35-33-5, has the meaning set forth in IC 35-33-5-0.5(5).  
*As added by P.L.170-2014, SEC.8.*

#### **IC 35-31.5-2-176**

##### **"Interception"**

Sec. 176. "Interception", for purposes of IC 35-33.5, means the intentional recording or acquisition of the contents of an electronic communication by a person other than a sender or receiver of that communication, without the consent of the sender or receiver, by means of any instrument, device, or equipment under this article. This term includes the intentional recording or acquisition of communication through the use of a computer or a fax (facsimile transmission) machine. The term does not include recording or acquiring the contents of a radio transmission that is not:

- (1) scrambled or encrypted;
- (2) transmitted using modulation techniques whose essential parameters have been withheld from the public with the intention of preserving the privacy of the communication;
- (3) carried on a subcarrier or other signal subsidiary to a radio transmission;
- (4) transmitted over a communication system provided by a common carrier, unless the communication is a tone only paging system communication; or
- (5) transmitted on frequencies allocated under part 25, subpart D, E, or F of part 74, or part 94 of the Rules of the Federal Communications Commission, unless, in the case of a communication transmitted on a frequency allocated under part 74 that is not exclusively allocated to broadcast auxiliary services, the communication is a two-way voice communication by radio.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-177**

##### **"Item of value"**

Sec. 177. "Item of value", for purposes of IC 35-46-5-1, has the meaning set forth in IC 35-46-5-1(c).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-177.5**

##### **"Intoxicated"**

Sec. 177.5. "Intoxicated", for purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-2.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-177.7**

##### **"Judicial officer"**

Sec. 177.7. "Judicial officer", for purposes of IC 35-42-2-1 and IC 35-47-16, means an individual who holds one (1) of the following offices or appointments:

- (1) Justice of the supreme court.
- (2) Judge of the court of appeals.
- (3) Judge of the tax court.
- (4) Judge of a circuit court.
- (5) Judge of a superior court.
- (6) Judge of a probate court.

- (7) Judge of a city court.
- (8) Judge of a town court.
- (9) Judge of a small claims court.
- (10) A judge pro tempore, a senior judge, a temporary judge, or any other individual serving as judge in an action or a proceeding in an Indiana court.
- (11) Magistrate.

*As added by P.L.147-2014, SEC.1.*

#### **IC 35-31.5-2-178**

##### **"Juvenile facility"**

Sec. 178. "Juvenile facility", for purposes of IC 35-44.1-3-5, has the meaning set forth in IC 35-44.1-3-5(a).

*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013, SEC.117.*

#### **IC 35-31.5-2-179**

##### **"Key facility"**

Sec. 179. "Key facility" means any of the following:

- (1) A chemical manufacturing facility.
- (2) A refinery.
- (3) An electric utility facility, including:
  - (A) a power plant;
  - (B) a power generation facility peaker;
  - (C) an electric transmission facility;
  - (D) an electric station or substation; or
  - (E) any other facility used to support the generation, transmission, or distribution of electricity.

However, the term does not include electric transmission land or right-of-way that is not completely enclosed, posted, and maintained by the electric utility.

- (4) A water intake structure or water treatment facility.
- (5) A natural gas utility facility, including:
  - (A) an age station;
  - (B) a compressor station;
  - (C) an odorization facility;
  - (D) a main line valve;
  - (E) a natural gas storage facility; or
  - (F) any other facility used to support the acquisition, transmission, distribution, or storage of natural gas.However, the term does not include gas transmission pipeline property that is not completely enclosed, posted, and maintained by the natural gas utility.
- (6) A gasoline, propane, liquid natural gas (LNG), or other fuel terminal or storage facility.
- (7) A transportation facility, including, but not limited to, a port, railroad switching yard, or trucking terminal. However, the term does not include a railroad track that is not part of a railroad switching yard.
- (8) A pulp or paper manufacturing facility.

- (9) A pharmaceutical manufacturing facility.
- (10) A hazardous waste storage, treatment, or disposal facility.
- (11) A telecommunications facility, including a central office or cellular telephone tower site.
- (12) A facility:
  - (A) that is substantially similar to a facility, structure, or station listed in this section; or
  - (B) whose owner or operator is required to submit a risk management plan under the federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (42 U.S.C. 7412(r)).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-180**

##### **"Knife"**

Sec. 180. "Knife", for purposes of IC 35-47-5-2.5, has the meaning set forth in IC 35-47-5-2.5(a) and IC 35-47-5-2.5(b).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-181**

##### **"Labeling"**

Sec. 181. "Labeling", for purposes of IC 35-45-8, has the meaning set forth in IC 35-45-8-2.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-182**

##### **"Laser pointer"**

Sec. 182. "Laser pointer", for purposes of IC 35-47-4.5, has the meaning set forth in IC 35-47-4.5-2.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-183**

##### **"Law enforcement agency"**

Sec. 183. (a) "Law enforcement agency," for purposes of receiving information concerning a violation of IC 35-42-3.5-1 (human trafficking), means:

- (1) an agency or department of:
  - (A) the state; or
  - (B) a political subdivision of the state;whose principal function is the apprehension of criminal offenders; and
- (2) the attorney general.

(b) "Law enforcement agency", for purposes of IC 35-47-15, has the meaning set forth in IC 35-47-15-2.

*As added by P.L.114-2012, SEC.67. Amended by P.L.162-2014, SEC.2.*

#### **IC 35-31.5-2-184**

##### **"Law enforcement animal"**

Sec. 184. "Law enforcement animal", for purposes of IC 35-46-3,

has the meaning set forth in IC 35-46-3-4.5.  
*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-185**

##### **"Law enforcement officer"**

Sec. 185. (a) "Law enforcement officer" means:

- (1) a police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;
- (2) a deputy of any of those persons;
- (3) an investigator for a prosecuting attorney or for the inspector general;
- (4) a conservation officer;
- (5) an enforcement officer of the alcohol and tobacco commission;
- (6) an enforcement officer of the securities division of the office of the secretary of state; or
- (7) a gaming agent employed under IC 4-33-4.5 or a gaming control officer employed by the gaming control division under IC 4-33-20.

(b) "Law enforcement officer", for purposes of IC 35-42-2-1, includes an alcoholic beverage enforcement officer, as set forth in IC 35-42-2-1(b)(1).

(c) "Law enforcement officer", for purposes of IC 35-45-15, includes a federal enforcement officer, as set forth in IC 35-45-15-3.

(d) "Law enforcement officer", for purposes of IC 35-44.1-3-1 and IC 35-44.1-3-2, includes a school resource officer (as defined in IC 20-26-18.2-1) and a school corporation police officer appointed under IC 20-26-16.

*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013, SEC.118; P.L.221-2013, SEC.6; P.L.172-2013, SEC.10.*

#### **IC 35-31.5-2-186**

##### **"Lawful detention"**

Sec. 186. (a) "Lawful detention" means:

- (1) arrest;
- (2) custody following surrender in lieu of arrest;
- (3) detention in a penal facility;
- (4) detention in a facility for custody of persons alleged or found to be delinquent children;
- (5) detention under a law authorizing civil commitment in lieu of criminal proceedings or authorizing such detention while criminal proceedings are held in abeyance;
- (6) detention for extradition or deportation;
- (7) placement in a community corrections program's residential facility;
- (8) electronic monitoring;
- (9) custody for purposes incident to any of the above including transportation, medical diagnosis or treatment, court

appearances, work, or recreation; or

(10) any other detention for law enforcement purposes.

(b) Except as provided in subsection (a)(7) and (a)(8), the term does not include supervision of a person on probation or parole or constraint incidental to release with or without bail.

(c) The term does not include electronic monitoring through the use of an unmanned aerial vehicle under IC 35-33-5-9.

*As added by P.L.114-2012, SEC.67. Amended by P.L.170-2014, SEC.9.*

#### **IC 35-31.5-2-186.2**

##### **"Lawful supervision"**

Sec. 186.2. "Lawful supervision", for purposes of IC 35-44.1-3-10, has the meaning set forth in IC 35-44.1-3-10.

*As added by P.L.185-2014, SEC.4.*

#### **IC 35-31.5-2-186.5**

##### **"Level 6 felony conviction"**

Sec. 186.5. "Level 6 felony conviction", for purposes of IC 35-50-2, has the meaning set forth in IC 35-50-2-1(a).

*As added by P.L.158-2013, SEC.374.*

#### **IC 35-31.5-2-187**

##### **Repealed**

*(Repealed by P.L.158-2013, SEC.375.)*

#### **IC 35-31.5-2-188**

##### **"Loaded"**

Sec. 188. "Loaded", for purposes of IC 35-47-10, has the meaning set forth in IC 35-47-10-4.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-189**

##### **"Loan"**

Sec. 189. "Loan", for purposes of IC 35-45-7, has the meaning set forth in IC 35-45-7-1.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-190**

##### **"Machine gun"**

Sec. 190. "Machine gun" means a weapon that:

(1) shoots; or

(2) can be readily restored to shoot;

automatically more than one (1) shot, without manual reloading, by a single function of the trigger.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-191**

##### **"Make"**

Sec. 191. "Make", for purposes of IC 35-43-5, has the meaning set

forth in IC 35-43-5-1(m).  
*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-192**

##### **"Manufacture"**

Sec. 192. "Manufacture", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-18.  
*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-193**

##### **"Manufacture of an unlawful telecommunications device"**

Sec. 193. "Manufacture of an unlawful telecommunications device", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-1.  
*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-194**

##### **"Manufacturer"**

Sec. 194. "Manufacturer", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(l).  
*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-195**

##### **"Marijuana"**

Sec. 195. "Marijuana", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-19.  
*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-196**

##### **"Matter"**

Sec. 196. (a) "Matter", for purposes of IC 35-42-4-4, has the meaning set forth in IC 35-42-4-4(a).  
(b) "Matter", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-3.  
*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-197**

##### **"Mental disease or defect"**

Sec. 197. "Mental disease or defect", for purposes of IC 35-41-3-6, has the meaning set forth in IC 35-41-3-6(b).  
*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-197.5**

##### **"Mental health professional"**

Sec. 197.5. "Mental health professional", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(f).  
*As added by P.L.208-2013, SEC.1.*

#### **IC 35-31.5-2-198**

##### **"Mentally ill"**

Sec. 198. "Mentally ill", for purposes of IC 35-36, has the meaning set forth in IC 35-36-1-1.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-199**

**"Metering device"**

Sec. 199. "Metering device", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(n).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-200**

**"Military recruiter"**

Sec. 200. "Military recruiter", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(g).

*As added by P.L.114-2012, SEC.67. Amended by P.L.208-2013, SEC.2.*

**IC 35-31.5-2-201**

**"Minimum sentence"**

Sec. 201. "Minimum sentence", for purposes of IC 35-50-2, has the meaning set forth in IC 35-50-2-1(c).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-202**

**"Minor"**

Sec. 202. "Minor", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-4.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-203**

**"Misconduct"**

Sec. 203. "Misconduct", for purposes of IC 35-44.1-2-3, has the meaning set forth in IC 35-44.1-2-3(b).

*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013, SEC.119.*

**IC 35-31.5-2-204**

**"Model glue"**

Sec. 204. "Model glue", for purposes of IC 35-46-6, has the meaning set forth in IC 35-46-6-1.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-204.5**

**"Moderate bodily injury"**

Sec. 204.5. "Moderate bodily injury" means any impairment of physical condition that includes substantial pain.

*As added by P.L.158-2013, SEC.376.*

**IC 35-31.5-2-205**

**"Monitoring device"**

Sec. 205. "Monitoring device", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-3.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-206**

**"Motion picture exhibition facility"**

Sec. 206. "Motion picture exhibition facility" has the meaning set forth in IC 35-46-8-3.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-206.5**

**"Motorboat"**

Sec. 206.5. "Motorboat", for purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-3.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-207**

**"Motor vehicle"**

Sec. 207. "Motor vehicle" has the meaning set forth in IC 9-13-2-105(a).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-208**

**"Mutilate"**

Sec. 208. "Mutilate", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-0.5(3).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-209**

**"Narcotic drug"**

Sec. 209. "Narcotic drug", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-20.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-210**

**"Neglect"**

Sec. 210. "Neglect", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-0.5(4).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-211**

**"Nonpublic school"**

Sec. 211. "Nonpublic school", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(h).

*As added by P.L.114-2012, SEC.67. Amended by P.L.208-2013, SEC.3.*

**IC 35-31.5-2-212**

**"Nudity"**

Sec. 212. (a) "Nudity", for purposes of IC 35-45-4-1 and

IC 35-45-4-1.5, has the meaning set forth in IC 35-45-4-1(d).

(b) "Nudity", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-5.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-213**

##### **"Offender"**

Sec. 213. (a) "Offender", for purposes of IC 35-38-2-2.5, has the meaning set forth in IC 35-38-2-2.5(a).

(b) "Offender", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-4.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-214**

##### **"Offender against children"**

Sec. 214. (a) "Offender against children", for purposes of IC 35-42-4-10, has the meaning set forth in IC 35-42-4-10(a).

(b) "Offender against children", for purposes of IC 35-42-4-11, has the meaning set forth in IC 35-42-4-11(a).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-215**

##### **"Offense"**

Sec. 215. (a) Except as provided in subsections (b) and (c), "offense" means a crime. The term does not include an infraction.

(b) "Offense", for purposes of IC 35-38-7, has the meaning set forth in IC 35-38-7-3.

(c) "Offense", for purposes of IC 35-50-2-11, has the meaning set forth in IC 35-50-2-11(b).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-216**

##### **"Offense relating to a criminal sexual act"**

Sec. 216. "Offense relating to a criminal sexual act" means the following:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (repealed).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child seduction (IC 35-42-4-7).
- (5) Prostitution (IC 35-45-4-2).
- (6) Patronizing a prostitute (IC 35-45-4-3).
- (7) Incest (IC 35-46-1-3).
- (8) Sexual misconduct with a minor under IC 35-42-4-9(a).

*As added by P.L.114-2012, SEC.67. Amended by P.L.158-2013, SEC.377; P.L.214-2013, SEC.32.*

#### **IC 35-31.5-2-217**

##### **"Offense relating to controlled substances"**

Sec. 217. "Offense relating to controlled substances" means the following:

- (1) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (2) Dealing in methamphetamine (IC 35-48-4-1.1).
- (3) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (4) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (5) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- (6) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
- (7) Possession of methamphetamine (IC 35-48-4-6.1).
- (8) Possession of a controlled substance (IC 35-48-4-7).
- (9) Possession of paraphernalia (IC 35-48-4-8.3).
- (10) Dealing in paraphernalia (IC 35-48-4-8.5).
- (11) Offenses relating to registration (IC 35-48-4-14).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-217.5**

##### **"Officer"**

Sec. 217.5. "Officer", for purposes of IC 35-44.1-3-2, has the meaning set forth in IC 35-44.1-3-2(a).

*As added by P.L.13-2013, SEC.120.*

#### **IC 35-31.5-2-218**

##### **"Official proceeding"**

Sec. 218. "Official proceeding" means a proceeding held or that may be held before a legislative, judicial, administrative, or other agency or before an official authorized to take evidence under oath, including a referee, hearing examiner, commissioner, notary, or other person taking evidence in connection with a proceeding.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-218.5**

##### **"Omnibus date"**

Sec. 218.5. "Omnibus date", for purposes of IC 35-36, has the meaning set forth in IC 35-36-1-1.

*As added by P.L.13-2013, SEC.121.*

#### **IC 35-31.5-2-219**

##### **"Operator"**

Sec. 219. "Operator", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(h).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-220**

##### **"Opiate"**

Sec. 220. "Opiate", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-21.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-221**

**"Opium poppy"**

Sec. 221. "Opium poppy", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-22.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-221.5**

**"Other sexual conduct"**

Sec. 221.5. "Other sexual conduct" means an act involving:

- (1) a sex organ of one (1) person and the mouth or anus of another person; or
- (2) the penetration of the sex organ or anus of a person by an object.

*As added by P.L.158-2013, SEC.378.*

**IC 35-31.5-2-222**

**"Overpass"**

Sec. 222. "Overpass", for purposes of IC 35-42-2-5, has the meaning set forth in IC 35-42-2-5(a).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-223**

**"Overpressure device"**

Sec. 223. "Overpressure device", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-11.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-224**

**"Owner"**

Sec. 224. (a) "Owner", for purposes of IC 35-43-1-3, has the meaning set forth in IC 35-43-1-3(a).

(b) "Owner", for purposes of IC 35-48-3, has the meaning set forth in IC 35-48-3-1.5.

(c) "Owner", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-6.

*As added by P.L.114-2012, SEC.67. Amended by P.L.185-2013, SEC.4.*

**IC 35-31.5-2-225**

**"Panhandling"**

Sec. 225. "Panhandling", for purposes of IC 35-45-17, has the meaning set forth in IC 35-45-17-1.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-226**

**"Party"**

Sec. 226. "Party", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-1.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-227**

**"Pattern of racketeering activity"**

Sec. 227. "Pattern of racketeering activity", for purposes of IC 35-45-6, has the meaning set forth in IC 35-45-6-1(d).  
*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-228**

**"Party line"**

Sec. 228. "Party line", for purposes of IC 35-45-2-3, has the meaning set forth in IC 35-45-2-3(b).  
*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-229**

**"Patient"**

Sec. 229. "Patient", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-5.6.  
*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-230**

**"Pecuniary interest"**

Sec. 230. "Pecuniary interest", for purposes of IC 35-44.1-1-4 and IC 35-44.1-1-5, has the meaning set forth in IC 35-44.1-1-4(a)(3).  
*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013, SEC.122.*

**IC 35-31.5-2-231**

**"Peep"**

Sec. 231. "Peep", for purposes of IC 35-45-4-5, has the meaning set forth in IC 35-45-4-5(a)(2).  
*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-232**

**"Penal facility"**

Sec. 232. "Penal facility" means a state prison, correctional facility, county jail, penitentiary, house of correction, or any other facility for confinement of persons under sentence, or awaiting trial or sentence, for offenses. The term includes a correctional facility constructed under IC 4-13.5.  
*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-233**

**"Performance"**

Sec. 233. (a) "Performance", for purposes of IC 35-42-4-4, has the meaning set forth in IC 35-42-4-4(a).  
(b) "Performance", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-7.  
*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-234**

**"Person"**

Sec. 234. (a) Except as provided in subsections (b) through (d),

"person" means a human being, corporation, limited liability company, partnership, unincorporated association, or governmental entity.

(b) "Person", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-7.

(c) "Person", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-2.

(d) "Person", for purposes of section 128 of this chapter, means an adult or a minor.

*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013, SEC.123.*

#### **IC 35-31.5-2-235**

##### **"Personally identifying information"**

Sec. 235. "Personally identifying information", for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-2.5(a).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-235.7**

##### **"Place"**

Sec. 235.7. "Place", for purposes of IC 35-33-5-1, has the meaning set forth in IC 35-33-5-1(b).

*As added by P.L.13-2013, SEC.124.*

#### **IC 35-31.5-2-236**

##### **"Plea agreement"**

Sec. 236. "Plea agreement", for purposes of IC 35-35-3, means an agreement between a prosecuting attorney and a defendant concerning the disposition of a felony or misdemeanor charge.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-237**

##### **"Police radio"**

Sec. 237. "Police radio", for purposes of IC 35-44.1-2-7, has the meaning set forth in IC 35-44.1-2-7(c).

*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013, SEC.125.*

#### **IC 35-31.5-2-238**

##### **"Polygraph"**

Sec. 238. "Polygraph", for purposes of IC 35-37-4.5, has the meaning set forth in IC 35-37-4.5-1.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-239**

##### **"Poppy straw"**

Sec. 239. "Poppy straw", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-23.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-240****"Postarrest release"**

Sec. 240. "Postarrest release", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-5.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-241****"Postconviction release"**

Sec. 241. "Postconviction release", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-6.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-242****"Practitioner"**

Sec. 242. (a) Except as provided in subsection (b), "practitioner", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-24.

(b) "Practitioner", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-5.8.

*As added by P.L.114-2012, SEC.67. Amended by P.L.158-2013, SEC.379.*

**IC 35-31.5-2-243****"Prescription"**

Sec. 243. "Prescription", for purposes of IC 35-45-20, has the meaning set forth in IC 35-45-20-1.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-244****"Prescription drug"**

Sec. 244. "Prescription drug", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-25.

*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013, SEC.126; P.L.168-2014, SEC.51.*

**IC 35-31.5-2-244.5****"Prima facie evidence of intoxication"**

Sec. 244.5. "Prima facie evidence of intoxication", for purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-4.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-245****"Principal"**

Sec. 245. "Principal", for purposes of IC 35-45-7, has the meaning set forth in IC 35-45-7-1.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-246****"Private area"**

Sec. 246. "Private area", for purposes of IC 35-45-4-5, has the meaning set forth in IC 35-45-4-5(a)(3).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-247**

**"Proceeds"**

Sec. 247. "Proceeds", for purposes of IC 35-45-15, has the meaning set forth in IC 35-45-15-4.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-248**

**"Product"**

Sec. 248. "Product", for purposes of IC 35-43-7, has the meaning set forth in IC 35-43-7-3.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-248.2**

**"Production"**

Sec. 248.2. "Production", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-26.

*As added by P.L.13-2013, SEC.127.*

**IC 35-31.5-2-248.5**

**"Professional relationship"**

Sec. 248.5. "Professional relationship", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(i).

*As added by P.L.208-2013, SEC.4.*

**IC 35-31.5-2-249**

**Repealed**

*(Repealed by P.L.158-2013, SEC.380.)*

**IC 35-31.5-2-250**

**"Profit"**

Sec. 250. "Profit", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(i).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-251**

**"Proper person"**

Sec. 251. "Proper person", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-7.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-252**

**"Proper reason"**

Sec. 252. "Proper reason", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-8.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-253**

**"Property"**

Sec. 253. (a) Except as provided in subsection (c), "property" means anything of value. The term includes:

- (1) a gain or advantage or anything that might reasonably be regarded as such by the beneficiary;
- (2) real property, personal property, money, labor, and services;
- (3) intangibles;
- (4) commercial instruments;
- (5) written instruments concerning labor, services, or property;
- (6) written instruments otherwise of value to the owner, such as a public record, deed, will, credit card, or letter of credit;
- (7) a signature to a written instrument;
- (8) extension of credit;
- (9) trade secrets;
- (10) contract rights, choses-in-action, and other interests in or claims to wealth;
- (11) electricity, gas, oil, and water;
- (12) captured or domestic animals, birds, and fish;
- (13) food and drink;
- (14) human remains; and
- (15) data.

(b) Property is that "of another person" if the other person has a possessory or proprietary interest in it, even if an accused person also has an interest in that property.

(c) "Property", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-12.

*As added by P.L.114-2012, SEC.67. Amended by P.L.158-2013, SEC.381.*

#### **IC 35-31.5-2-254**

##### **"Prosecuting attorney"**

Sec. 254. "Prosecuting attorney", for purposes of IC 35-35-3, includes a deputy prosecuting attorney.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-255**

##### **"Protected person"**

Sec. 255. "Protected person", for purposes of IC 35-37-4, has the meaning set forth in IC 35-37-4-6(c).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-256**

##### **"Pseudoephedrine"**

Sec. 256. "Pseudoephedrine", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7.

*As added by P.L.114-2012, SEC.67. Amended by P.L.193-2013, SEC.2.*

#### **IC 35-31.5-2-257**

##### **"Public court proceeding"**

Sec. 257. "Public court proceeding", for purposes of IC 35-40, has

the meaning set forth in IC 35-40-4-7.  
*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-258**

##### **"Public park"**

Sec. 258. "Public park" means any property operated by a political subdivision for park purposes (as defined in IC 36-10-1-2).  
*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-259**

##### **"Public relief or assistance"**

Sec. 259. "Public relief or assistance", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(o).  
*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-260**

##### **"Public safety officer"**

Sec. 260. "Public safety officer", for purposes of IC 35-45-19, has the meaning set forth in IC 35-45-19-2.  
*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-261**

##### **"Public servant"**

Sec. 261. "Public servant" means a person who:

- (1) is authorized to perform an official function on behalf of, and is paid by, a governmental entity;
- (2) is elected or appointed to office to discharge a public duty for a governmental entity; or
- (3) with or without compensation, is appointed in writing by a public official to act in an advisory capacity to a governmental entity concerning a contract or purchase to be made by the entity.

The term does not include a person appointed by the governor to an honorary advisory or honorary military position.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-262**

##### **"Publicly paid costs of representation"**

Sec. 262. "Publicly paid costs of representation", for purposes of IC 35-33-8, has the meaning set forth in IC 35-33-8-1.5.  
*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013, SEC.128.*

#### **IC 35-31.5-2-263**

##### **"Public safety officer"**

Sec. 263. "Public safety officer", for purposes of IC 35-47-4.5, has the meaning set forth in IC 35-47-4.5-3.  
*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-264**

**"Publish"**

Sec. 264. "Publish", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-2.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-264.5**

**"Purpose of increasing a person's own standing or position within a criminal gang"**

Sec. 264.5. "Purpose of increasing a person's own standing or position within a criminal gang", for purposes of IC 35-45-9-3, has the meaning set forth in IC 35-45-9-3(b).

*As added by P.L.158-2013, SEC.382.*

**IC 35-31.5-2-265**

**"Racketeering activity"**

Sec. 265. "Racketeering activity", for purposes of IC 35-45-6, has the meaning set forth in IC 35-45-6-1(e).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-266**

**"Rate"**

Sec. 266. "Rate", for purposes of IC 35-45-7, has the meaning set forth in IC 35-45-7-1.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-267**

**"Rated capacity"**

Sec. 267. "Rated capacity", for purposes of IC 35-38-3, has the meaning set forth in IC 35-38-3-1.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-268**

**"Receiving"**

Sec. 268. "Receiving", for purposes of IC 35-43-4-1, has the meaning set forth in IC 35-43-4-1(c).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-269**

**"Receiving authority"**

Sec. 269. "Receiving authority", for purposes of IC 35-38-3, has the meaning set forth in IC 35-38-3-1.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-270**

**"Recipient"**

Sec. 270. "Recipient", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-6.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-271**

**"Recipient representative"**

Sec. 271. "Recipient representative", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-7.  
*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-272**

**"Recommendation"**

Sec. 272. "Recommendation", for purposes of IC 35-35-3 and IC 35-38-1, means a proposal that is part of a plea agreement made to a court that:

- (1) a felony charge be dismissed; or
- (2) a defendant, if the defendant pleads guilty to a felony charge, receive less than the advisory sentence.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-273**

**"Recording"**

Sec. 273. "Recording", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(p).  
*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-273.2**

**"Refuse"**

Sec. 273.2. "Refuse", for purposes of IC 35-45-3-2, has the meaning set forth in IC 35-45-3-2(b).  
*As added by P.L.13-2013, SEC.129.*

**IC 35-31.5-2-273.3**

**"Regulated explosive"**

Sec. 273.3. "Regulated explosive", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-13.  
*As added by P.L.13-2013, SEC.130.*

**IC 35-31.5-2-273.5**

**"Relevant evidence"**

Sec. 273.5. "Relevant evidence", for purposes of IC 35-46-9, has the meaning set forth in IC 35-46-9-5.  
*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-273.8**

**"Remote computing service"**

Sec. 273.8. "Remote computing service", for purposes of IC 35-33-5, has the meaning set forth in IC 35-33-5-0.5(6).  
*As added by P.L.170-2014, SEC.10.*

**IC 35-31.5-2-274**

**"Replica"**

Sec. 274. "Replica", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-8.  
*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-275****"Reside"**

Sec. 275. "Reside", for purposes of IC 35-42-4-11, has the meaning set forth in IC 35-42-4-11(b).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-276****"Residential property"**

Sec. 276. "Residential property", for purposes of IC 35-43-6, has the meaning set forth in IC 35-43-6-1.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-277****"Residential real property transaction"**

Sec. 277. "Residential real property transaction", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-3.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-278****"Retail"**

Sec. 278. "Retail", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-9.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-279****"Retailer"**

Sec. 279. "Retailer", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7.

*As added by P.L.114-2012, SEC.67. Amended by P.L.193-2013, SEC.3.*

**IC 35-31.5-2-280****"Sado-masochistic abuse"**

Sec. 280. "Sado-masochistic abuse", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-8.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-280.5****"Sale to a minor"**

Sec. 280.5. "Sale to a minor", for purposes of IC 35-48, means delivery or financing the delivery of a drug to a person less than eighteen (18) years of age and at least three (3) years junior to the person making the delivery or financing.

*As added by P.L.158-2013, SEC.383.*

**IC 35-31.5-2-281****"Salvia"**

Sec. 281. (a) "Salvia" means salvia divinorum or salvinorin A, including:

- (1) all parts of the plant that are classified botanically as salvia

divinorum, whether growing or not;

(2) the seeds of the plant;

(3) any extract from any part of the plant; and

(4) every compound, manufacture, derivative, mixture, or preparation of the plant, its seeds, or extracts, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation of the plant, its seeds, or extracts.

(b) The term does not include any other species in the genus *salvia*.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-282**

##### **"Sawed-off shotgun"**

Sec. 282. "Sawed-off shotgun", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-10.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-283**

##### **"School bus"**

Sec. 283. "School bus" means any motor vehicle designed and constructed for the accommodation of more than ten (10) passengers and used for the transportation of Indiana school children.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-284**

##### **"School corporation"**

Sec. 284. "School corporation", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(j).

*As added by P.L.114-2012, SEC.67. Amended by P.L.208-2013, SEC.5.*

#### **IC 35-31.5-2-285**

##### **"School property"**

Sec. 285. "School property" means the following:

(1) A building or other structure owned or rented by:

(A) a school corporation;

(B) an entity that is required to be licensed under IC 12-17.2 or IC 31-27;

(C) a private school that is not supported and maintained by funds realized from the imposition of a tax on property, income, or sales; or

(D) a federal, state, local, or nonprofit program or service operated to serve, assist, or otherwise benefit children who are at least three (3) years of age and not yet enrolled in kindergarten, including the following:

(i) A Head Start program under 42 U.S.C. 9831 et seq.

(ii) A special education preschool program.

(iii) A developmental child care program for preschool children.

(2) The grounds adjacent to and owned or rented in common with a building or other structure described in subdivision (1).  
*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-286**

**"Scientific purposes"**

Sec. 286. "Scientific purposes", for purposes of IC 35-43-1-3, has the meaning set forth in IC 35-43-1-3(a).  
*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-287**

**"Scientific research facility"**

Sec. 287. "Scientific research facility" means a facility in which research is conducted.  
*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-288**

**"Search and rescue dog"**

Sec. 288. "Search and rescue dog", for purposes of IC 35-46-3-11.3, has the meaning set forth in IC 35-46-3-11.3(a).  
*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-289**

**"Security agent"**

Sec. 289. "Security agent" means a person who has been employed by a store to prevent the loss of property due to theft.  
*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-290**

**"Security risk"**

Sec. 290. "Security risk", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-4.5.  
*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-291**

**"Self-service display"**

Sec. 291. "Self-service display", for purposes of IC 35-46-1-11.8, has the meaning set forth in IC 35-46-1-11.8.  
*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-292**

**"Serious bodily injury"**

Sec. 292. "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes:

- (1) serious permanent disfigurement;
- (2) unconsciousness;
- (3) extreme pain;
- (4) permanent or protracted loss or impairment of the function of a bodily member or organ; or
- (5) loss of a fetus.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-293**

**"Serious violent felon"**

Sec. 293. "Serious violent felon", for purposes of IC 35-47-4-5, has the meaning set forth in IC 35-47-4-5(a).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-294**

**"Serious violent felony"**

Sec. 294. "Serious violent felony", for purposes of IC 35-47-4-5, has the meaning set forth in IC 35-47-4-5(b).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-295**

**"Service animal"**

Sec. 295. "Service animal", for purposes of IC 35-46-3-11.5, has the meaning set forth in IC 35-46-3-11.5(a).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-296**

**"Service provider"**

Sec. 296. "Service provider", for purposes of IC 35-44.1-3-10, has the meaning set forth in IC 35-44.1-3-10(a).

*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013, SEC.131.*

**IC 35-31.5-2-297**

**"Sex offense"**

Sec. 297. (a) "Sex offense", for purposes of IC 35-38-2-2.5, has the meaning set forth in IC 35-38-2-2.5(b).

(b) "Sex offense", for purposes of IC 35-50-2-14, has the meaning set forth in IC 35-50-2-14(a).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-298**

**"Sex offense against children"**

Sec. 298. "Sex offense against a child", for purposes of IC 35-50-2, has the meaning set forth in IC 35-50-2-1.8.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-299**

**"Sexual activity"**

Sec. 299. "Sexual activity", for purposes of IC 35-42-4-13, has the meaning set forth in IC 35-42-4-13(b).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-300**

**"Sexual conduct"**

Sec. 300. (a) "Sexual conduct", for purposes of IC 35-42-4-4, has

the meaning set forth in IC 35-42-4-4(a).

(b) "Sexual conduct", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-9.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-301**

##### **"Sexual excitement"**

Sec. 301. "Sexual excitement", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-10.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-302**

##### **"Sexual intercourse"**

Sec. 302. "Sexual intercourse" means an act that includes any penetration of the female sex organ by the male sex organ.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-303**

##### **"Sexually violent predator"**

Sec. 303. (a) "Sexually violent predator", for purposes of IC 35-38-1-7.5, has the meaning set forth in IC 35-38-1-7.5(a).

(b) "Sexually violent predator", for purposes of IC 35-42-4-10, has the meaning set forth in IC 35-42-4-10(b).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-304**

##### **"Sexually violent predator defendant"**

Sec. 304. "Sexually violent predator defendant", for purposes of IC 35-33-8-3.5, has the meaning set forth in IC 35-33-8-3.5(b).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-305**

##### **"Shotgun"**

Sec. 305. "Shotgun", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-11.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-306**

##### **"Slug"**

Sec. 306. "Slug", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(q).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-307**

##### **"Social networking web site"**

Sec. 307. "Social networking web site" means an Internet web site, an application, a computer program, or software that:

- (1) facilitates the social introduction between two (2) or more persons;
- (2) requires a person to register or create an account, a

username, or a password to become a member of the web site and to communicate with other members;

(3) allows a member to create a web page or a personal profile; and

(4) provides a member with the opportunity to communicate with another person.

The term does not include an electronic mail program or message board program.

*As added by P.L.114-2012, SEC.67. Amended by P.L.247-2013, SEC.3.*

#### **IC 35-31.5-2-308**

##### **"Solicit"**

Sec. 308. "Solicit", for purposes of IC 35-42-4-6, has the meaning set forth in IC 35-42-4-6(a).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-309**

##### **"Special education cooperative"**

Sec. 309. "Special education cooperative", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(k).

*As added by P.L.114-2012, SEC.67. Amended by P.L.208-2013, SEC.6.*

#### **IC 35-31.5-2-310**

##### **"Stalk"**

Sec. 310. "Stalk", for purposes of IC 35-45-10, has the meaning set forth in IC 35-45-10-1.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-311**

##### **"State"**

Sec. 311. (a) "State", for purposes of IC 35-48-7, has the meaning set forth in IC 35-48-7-7.5.

(b) "State", for purposes of IC 35-37-5, has the meaning set forth in IC 35-37-5-1.

*As added by P.L.114-2012, SEC.67. Amended by P.L.13-2013, SEC.132.*

#### **IC 35-31.5-2-312**

##### **"State or federally chartered or federally insured institution"**

Sec. 312. "State or federally chartered or federally insured financial institution", for purposes of IC 35-43-5-8, has the meaning set forth in IC 35-43-5-8(b).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-313**

##### **"Stepparent"**

Sec. 313. "Stepparent", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(l).

*As added by P.L.114-2012, SEC.67. Amended by P.L.208-2013, SEC.7.*

**IC 35-31.5-2-314**

**"Store"**

Sec. 314. "Store" means a place of business where property or service with respect to property is displayed, rented, sold, or offered for sale.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-315**

**Repealed**

*(Repealed by P.L.158-2013, SEC.384.)*

**IC 35-31.5-2-316**

**"Stun gun"**

Sec. 316. "Stun gun", for purposes of IC 35-47-8, has the meaning set forth in IC 35-47-8-2.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-316.8**

**"Subpoena"**

Sec. 316.8. "Subpoena", for purposes of IC 35-37-5, has the meaning set forth in IC 35-37-5-1.

*As added by P.L.13-2013, SEC.133.*

**IC 35-31.5-2-317**

**Repealed**

*(Repealed by P.L.158-2013, SEC.385.)*

**IC 35-31.5-2-318**

**"Superintendent"**

Sec. 318. "Superintendent", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-12.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-319**

**"Support"**

Sec. 319. "Support", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-320**

**"Suspicious order"**

Sec. 320. "Suspicious order", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7.

*As added by P.L.114-2012, SEC.67. Amended by P.L.193-2013, SEC.4.*

**IC 35-31.5-2-321**

## "Synthetic drug"

Sec. 321. "Synthetic drug" means:

(1) a substance containing one (1) or more of the following chemical compounds, including an analog of the compound:

- (A) JWH-015 ((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone).
- (B) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).
- (C) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).
- (D) JWH-073 (naphthalen-1-yl-(1-butyldol-3-yl)methanone).
- (E) JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone).
- (F) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
- (G) JWH-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-yl-methanone).
- (H) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).
- (I) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).
- (J) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
- (K) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).
- (L) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).
- (M) HU-308 ((1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).
- (N) HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione).
- (O) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol).
- (P) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol) and its homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol), where side chain n=5, and homologues where side chain n=4, 6, or 7.
- (Q) WIN 55212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de)-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone).
- (R) RCS-4 ((4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone).
- (S) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone).
- (T) 4-Methylmethcathinone. Other name: mephedrone.
- (U) 3,4-Methylenedioxymethcathinone. Other name: methylone.
- (V) Fluoromethcathinone.

(W) 4-Methoxymethcathinone. Other name: methedrone.  
 (X) 4-Ethylmethcathinone (4-EMC).  
 (Y) Methylenedioxypropylvalerone. Other name: MDPV.  
 (Z) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole.  
 (AA) JWH-098, or  
 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole.  
 (BB) JWH-164, or  
 1-pentyl-3-(7-methoxy-1-naphthoyl)indole.  
 (CC) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole.  
 (DD) JWH-201, or  
 1-pentyl-3-(4-methoxyphenylacetyl)indole.  
 (EE) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole.  
 (FF) AM-694, or  
 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.  
 (GG) CP 50,556-1, or  
 [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate.  
 (HH) Dimethylheptylpyran, or DMHP.  
 (II) 4-Methyl- $\alpha$ -pyrrolidinobutiophenone, or MPBP.  
 (JJ) 6-APB [6-(2-aminopropyl)benzofuran].  
 (LL) 7-hydroxymitragynine.  
 (MM)  $\alpha$ -PPP [ $\alpha$ -pyrrolidinopropiophenone].  
 (NN)  $\alpha$ -PVP (desmethylpyrovalerone).  
 (OO) AM-251.  
 (PP) AM-1241.  
 (QQ) AM-2201.  
 (RR) AM-2233.  
 (SS) Buphedrone.  
 (TT) Butylone.  
 (UU) CP-47,497-C7.  
 (VV) CP-47,497-C8.  
 (WW) Desoxypipradol.  
 (XX) Ethylone.  
 (YY) Eutylone.  
 (ZZ) Flephedrone.  
 (AAA) JWH-011.  
 (BBB) JWH-020.  
 (CCC) JWH-022.  
 (DDD) JWH-030.  
 (EEE) JWH-182.  
 (FFF) JWH-302.  
 (GGG) MDAI [5,6-methylenedioxy-2-aminoindane].  
 (HHH) Mitragynine.  
 (III) Naphyrone.  
 (JJJ) Pentedrone.  
 (LLL) Pentylone.  
 (MMM) Methoxetamine  
 [2-(3-methoxyphenyl)-2-(ethylamino)-cyclohexanone].  
 ( N N N ) A 7 9 6 , 2 6 0

[1-(2-morpholin-4-ylethyl)-1H-indol-3-yl]-(2,2,3,3-tetramethylcyclopropyl)methanone].

(OOO) AB-001 [(1s,3s)-adamantan-1-yl] (1-pentyl-1H-indol-3-yl)methanone] or [1-Pentyl-3-(1-adamantoyl)indole].

(PPP) AM-356 [Methanandamide].

(QQQ) AM 1248 [1-[(1-methyl-2-piperidinyl) methyl]-1H-indol-3-yl] tricyclo[3.3.1.1<sup>3,7</sup>] dec-1-yl-methanone] or [1-[(N-methylpiperidin-2-yl) Methyl]-3-(Adamant-1-oyl)indole].

(RRR) AM 2233 Azepane isomer [(2-iodophenyl) (1-(1-methylazepan-3-yl)-1H-indol-3-yl)methanone].

(SSS) CB-13 [1-Naphthalenyl [4-(pentyoxy)-1-naphthalenyl]methanone].

(TTT) UR-144 [(1-pentyl-1H-indol-3-yl) (2,2,3,3-tetramethylcyclopropyl)-methanone].

(UUU) URB 597 [(3'-(aminocarbonyl) [1,1'-biphenyl]-3-yl)-cyclohexylcarbamate].

(VVV) URB602 [[1,1'-biphenyl]-3-yl-carbamic acid, cyclohexyl ester].

(WWW) URB 754 [6-methyl-2-[(4-methylphenyl) amino]-1-benzoxazin-4-one].

(XXX) XLR-11 or 5-fluoro UR-144 (1-(5-fluoropentyl)-1H-indol-3-yl) (2,2,3,3-tetramethylcyclopropyl)methanone].

(YYY) AKB48 (Other names include: N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide; 1-pentyl-N-tricyclo[3.3.1.1<sup>3,7</sup>]dec-1-yl-1H-indazole-3-carboxamide).

(ZZZ) 25I-NBOMe (Other names include: 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine); 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine).

(AAAA) 2C-C-NBOMe (Other names include: 2,5-C-NBOMe; 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine; 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine).

(BBBB) 2NE-1 (Other names include: 1-Pentyl-3-(1-adamantylamido)indole).

(CCCC) STS-135 (Other names include: N-Adamantyl-1-fluoropentylindole-3-carboxamide (1-5-fluoropentyl)-N-tricyclo[3.3.1.1<sup>3,7</sup>]dec-1-yl-1H-indole-3-carboxamide).

(2) Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,

cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(3) Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(4) Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(5) Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

(6) Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not substituted in the cyclohexyl ring to any extent.

(7) Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further

substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

(8) Any compound, except bupropion or a compound listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified:

(A) by substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;

(B) by substitution at the 3-position with an acyclic alkyl substituent;

(C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or

(D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(9) Any compound structurally derived from 3-tetramethyl cyclopropanoylindole with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl) ethyl, 1-(N-methyl-2-pyrrolidinyl) methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the tetramethylcyclopropyl ring to any extent.

(10) Any compound containing a N-(1-adamantyl)-1H-indazole-3-carboxamide structure with substitution at the nitrogen atom of the indazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl) methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted at the nitrogen atom of the carboxamide to any extent, whether or not further substituted in the indazole ring to any extent, and whether or not further substituted on the adamantyl ring system to any extent. An example of this structural class includes AKB48.

(11) Any compound containing a N-(1-adamantyl)-1H-indole-3-carboxamide structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl) methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted at the nitrogen atom of the carboxamide to any extent, whether or not further substituted in the indole ring to any extent, and whether or not further substituted on the adamantyl ring system to any extent.

An example of this structural class includes STS-135.

(12) Any compound containing a 3-(1-adamantoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted on the adamantyl ring system to any extent. An example of this structural class includes AM-1248.

(13) Any compound determined to be a synthetic drug by rule adopted under IC 25-26-13-4.1.

*As added by P.L.114-2012, SEC.67. Amended by P.L.196-2013, SEC.16.*

### **IC 35-31.5-2-321.5**

#### **"Synthetic drug lookalike substance"**

Sec. 321.5. (a) "Synthetic drug lookalike substance", except as provided in subsection (b), means one (1) or more of the following:

(1) A substance, other than a synthetic drug, which any of the factors listed in subsection (c) would lead a reasonable person to believe to be a synthetic drug.

(2) A substance, other than a synthetic drug:

(A) that a person knows or should have known was intended to be consumed; and

(B) the consumption of which the person knows or should have known to be intended to cause intoxication.

(b) The term "synthetic drug lookalike substance" does not include the following:

(1) Food and food ingredients (as defined in IC 6-2.5-1-20).

(2) Alcohol (as defined in IC 7.1-1-3-4).

(3) A legend drug (as defined in IC 16-18-2-199).

(4) Tobacco.

(5) A dietary supplement (as defined in IC 6-2.5-1-16).

(c) In determining whether a substance is a synthetic drug lookalike substance, the following factors may be considered:

(1) The overall appearance of a dosage unit of the substance, including its shape, color, size, markings or lack of markings, taste, consistency, and any other identifying physical characteristics.

(2) How the substance is packaged for sale or distribution, including the shape, color, size, markings or lack of markings, and any other identifying physical characteristics of the packaging.

(3) Any statement made by the owner or person in control of the substance concerning the substance's nature, use, or effect.

(4) Any statement made to the buyer or recipient of the substance suggesting or implying that the substance is a synthetic drug.

(5) Any statement made to the buyer or recipient of the

substance suggesting or implying that the substance may be resold for profit.

(6) The overall circumstances under which the substance is distributed, including whether:

(A) the distribution included an exchange of, or demand for, money or other property as consideration; and

(B) the amount of the consideration was substantially greater than the reasonable retail market value of the substance the seller claims the substance to be.

*As added by P.L.196-2013, SEC.17.*

#### **IC 35-31.5-2-322**

##### **"Synthetic identifying information"**

Sec. 322. "Synthetic identifying information", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(r).

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-323**

##### **"Target"**

Sec. 323. "Target", for purposes of IC 35-34-2, has the meaning set forth in IC 35-34-2-1.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-324**

##### **"Taser"**

Sec. 324. "Taser", for purposes of IC 35-47-8, has the meaning set forth in IC 35-47-8-3.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-325**

##### **"Tattoo"**

Sec. 325. "Tattoo", for purposes of IC 35-45-21-4, has the meaning set forth in IC 35-45-21-4(a).

*As added by P.L.114-2012, SEC.67. Amended by P.L.158-2013, SEC.386.*

#### **IC 35-31.5-2-326**

##### **"Telecommunications device"**

Sec. 326. "Telecommunications device", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-3.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-327**

##### **"Telecommunications service"**

Sec. 327. "Telecommunications service", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-4.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-328**

##### **"Telecommunications service provider"**

Sec. 328. "Telecommunications service provider", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-5.  
*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-329**

##### **"Terrorism"**

Sec. 329. "Terrorism" means the unlawful use of force or violence or the unlawful threat of force or violence to intimidate or coerce a government or all or part of the civilian population.  
*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-330**

##### **"Threat"**

Sec. 330. "Threat", for purposes of IC 35-45-2-1, has the meaning set forth in IC 35-45-2-1(d).  
*As added by P.L.114-2012, SEC.67. Amended by P.L.123-2013, SEC.2.*

#### **IC 35-31.5-2-330.3**

##### **"Threatens"**

Sec. 330.3. "Threatens", for purposes of IC 35-45-9, has the meaning set forth in IC 35-45-9-2.  
*As added by P.L.13-2013, SEC.134.*

#### **IC 35-31.5-2-330.7**

##### **"Timber"**

Sec. 330.7. "Timber", for purposes of IC 35-43-8, has the meaning set forth in IC 35-43-8-1.  
*As added by P.L.13-2013, SEC.135.*

#### **IC 35-31.5-2-331**

##### **"Title insurance agent"**

Sec. 331. "Title insurance agent", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-4.  
*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-332**

##### **"Title insurance escrow account"**

Sec. 332. "Title insurance escrow account", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-5.  
*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-333**

##### **"Title insurer"**

Sec. 333. "Title insurer", for purposes of IC 35-43-9, has the meaning set forth in IC 35-43-9-6.  
*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-333.9**

##### **"Tobacco"**

Sec. 333.9. "Tobacco", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.7.  
*As added by P.L.13-2013, SEC.136.*

**IC 35-31.5-2-334**  
**"Tobacco business"**

Sec. 334. "Tobacco business", for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.  
*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-335**  
**"Torture"**

Sec. 335. "Torture", for purposes of IC 35-46-3, has the meaning set forth in IC 35-46-3-0.5(5).  
*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-336**  
**"Tournament"**

Sec. 336. "Tournament", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(j).  
*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-337**  
**"Toy crane machine"**

Sec. 337. "Toy crane machine", for purposes of IC 35-45-5, has the meaning set forth in IC 35-45-5-1(k).  
*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-337.5**  
**"Tracking device"**

Sec. 337.5. "Tracking device", for purposes of IC 35-33-5 and this chapter, means an electronic or mechanical device that allows a person to remotely determine or track the position or movement of another person or an object. The term includes the following:

- (1) A device that stores geographic data for subsequent access or analysis.
- (2) A device that allows real-time monitoring or movement.
- (3) An unmanned aerial vehicle.
- (4) A cellular telephone or other wireless or cellular communications device.

*As added by P.L.170-2014, SEC.11.*

**IC 35-31.5-2-338**  
**"Tumultuous conduct"**

Sec. 338. "Tumultuous conduct", for purposes of IC 35-45-1, has the meaning set forth in IC 35-45-1-1.  
*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-339**  
**"Ultimate user"**

Sec. 339. "Ultimate user", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-27.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-340**

##### **"Unit"**

Sec. 340. "Unit", for purposes of IC 35-40-14, has the meaning set forth in IC 35-40-14-2.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-341**

##### **"Unlawful assembly"**

Sec. 341. "Unlawful assembly", for purposes of IC 35-45-1, has the meaning set forth in IC 35-45-1-1.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-342**

##### **"Unlawful telecommunications device"**

Sec. 342. "Unlawful telecommunications device", for purposes of IC 35-45-13, has the meaning set forth in IC 35-45-13-6.

*As added by P.L.114-2012, SEC.67.*

#### **IC 35-31.5-2-342.3**

##### **"Unmanned aerial vehicle"**

Sec. 342.3. "Unmanned aerial vehicle", for purposes of IC 35-33-5, has the meaning set forth in IC 35-33-5-0.5(7).

*As added by P.L.170-2014, SEC.12.*

#### **IC 35-31.5-2-343**

##### **"Unusual theft"**

Sec. 343. "Unusual theft", for purposes of IC 35-48-4-14.7, has the meaning set forth in IC 35-48-4-14.7.

*As added by P.L.114-2012, SEC.67. Amended by P.L.193-2013, SEC.5.*

#### **IC 35-31.5-2-343.5**

##### **"Use of a tracking device"**

Sec. 343.5. "Use of a tracking device", for purposes of IC 35-33-5, includes the installation, maintenance, and monitoring of a tracking device. The term does not include:

- (1) the capture, collection, monitoring, or viewing of images; or
- (2) the use of a monitoring device with respect to a person required to be tracked or monitored:
  - (A) as a condition of bail;
  - (B) as a condition of probation, parole, or community corrections;
  - (C) as a requirement of sex offender registration; or
  - (D) as part of a sentence imposed for a crime.

*As added by P.L.170-2014, SEC.13.*

**IC 35-31.5-2-343.7**

**"Use of an unmanned aerial vehicle"**

Sec. 343.7. "Use of an unmanned aerial vehicle", for purposes of IC 35-33-5, has the meaning set forth in IC 35-33-5-0.5(8).

*As added by P.L.170-2014, SEC.14.*

**IC 35-31.5-2-343.8**

**"User"**

Sec. 343.8. "User", for purposes of IC 35-33-5, has the meaning set forth in IC 35-33-5-0.5(9).

*As added by P.L.170-2014, SEC.15.*

**IC 35-31.5-2-344**

**"Utility"**

Sec. 344. "Utility", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(s).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-345**

**"Utter"**

Sec. 345. "Utter" means to issue, authenticate, transfer, publish, deliver, sell, transmit, present, or use.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-346**

**"Vehicle"**

Sec. 346. "Vehicle" means a device for transportation by land, water, or air. The term includes mobile equipment with provision for transport of an operator.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-347**

**"Vending machine"**

Sec. 347. "Vending machine", for purposes of IC 35-43-4-7, has the meaning set forth in IC 35-43-4-7(a).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-348**

**"Victim"**

Sec. 348. (a) "Victim", for purposes of IC 35-38-1-9 and IC 35-38-1-17, means a person who has suffered harm as a result of a crime.

(b) "Victim", for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-3.

(c) "Victim", for purposes of IC 35-38-7, has the meaning set forth in IC 35-38-7-4.

(d) "Victim", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-8.

(e) "Victim", for purposes of IC 35-45-10, has the meaning set forth in IC 35-45-10-4.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-349**

**"Victim advocate"**

Sec. 349. "Victim advocate", for purposes IC 35-37-6, has the meaning set forth in IC 35-37-6-3.5.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-350**

**"Victim representative"**

Sec. 350. "Victim representative", for purposes of IC 35-38-1, has the meaning set forth in IC 35-38-1-2(a).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-351**

**"Victim service provider"**

Sec. 351. "Victim service provider", for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-5.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-352**

**"Violent offender"**

Sec. 352. "Violent offender", for purposes of IC 35-38-2.5, has the meaning set forth in IC 35-38-2.5-4.7.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-353**

**"Warrant"**

Sec. 353. "Warrant", for purposes of IC 35-33.5, means a warrant authorizing the interception of electronic communication under IC 35-33.5.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-354**

**"Weapon of mass destruction"**

Sec. 354. "Weapon of mass destruction" means any chemical device, biological device or organism, or radiological device that is capable of being used for terrorism.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-355**

**"Wholesale"**

Sec. 355. "Wholesale", for purposes of IC 35-47, has the meaning set forth in IC 35-47-1-13.

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-356**

**"Written instrument"**

Sec. 356. "Written instrument", for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(t).

*As added by P.L.114-2012, SEC.67.*

**IC 35-31.5-2-357**

**"Youth program center"**

Sec. 357. (a) "Youth program center" means the following:

(1) A building or structure that on a regular basis provides recreational, vocational, academic, social, or other programs or services for persons less than eighteen (18) years of age.

(2) The real property on which a building or structure described in subdivision (1) is located.

(b) The term does not include school property (as defined in section 285 of this chapter).

*As added by P.L.114-2012, SEC.67.*